

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

----- X -----

In re DMCA Subpoena to Fine Art America

Case No. 22-mc-00209

**Petitioner Debra Ann Reilly's  
Request to the Clerk for  
Issuance of Subpoena to Fine  
Art America Pursuant to 17  
U.S.C. § 512(h) to Identify  
Alleged Infringers**

----- X -----

Petitioner Debra Ann Reilly, through its undersigned counsel of record, respectfully requests that the Clerk of this Court issue a subpoena to Fine Art America pursuant to 17 U.S.C. § 512(h) to identify an alleged infringer or infringers on Ms. Reilly's copyright.

Section 512(h) of the Digital Millennium Copyright Act provides that a “copyright owner or a person authorized to act on the owner’s behalf may request the clerk of any United States District Court to issue a subpoena to a service provider for identification of an alleged infringer in accordance with this subsection.” 17 U.S.C. § 512(h)(1). For the Clerk to issue the subpoena, section 512(h) requires that the copyright owner file with the Clerk:

1. A copy of the notification required by 17 U.S.C. § 512(c)(3)(A);
2. A proposed subpoena; and
3. A sworn declaration stating that the purpose for which the subpoena is sought is to obtain the identity of an alleged infringer and that such information will only be used for the purpose of protecting rights under this title.

Accordingly, attached for filing with the Clerk is the notification sent to Fine Art America on behalf of Ms. Reilly (Ex. 1), a proposed subpoena (Ex. 2), and a sworn declaration (Ex. 3). As Ms. Reilly has complied with the statutory requirements, Ms. Reilly respectfully asks that the Clerk expeditiously issue and sign the proposed subpoena pursuant to 17 U.S.C. § 512(h)(4), and return it to undersigned counsel for service on the subpoena recipient.

Dated: August 2, 2022

Respectfully submitted,

By: \_\_\_\_\_

Jeffrey F. Kinkle  
BELDOCK LEVINE & HOFFMAN LLP  
99 Park Ave., PH/26<sup>th</sup> Floor  
New York, NY 10016  
Email: [jkinkle@blhny.com](mailto:jkinkle@blhny.com)  
Phone: 212-277-5883  
Fax: 212-277-5800